



CC Do. 93-22  
Federal Communications Commission DOCKET FILE COPY ORIGINAL  
Washington, D.C. 20554

October 24, 1994

RECEIVED

OCT 24 1994

FEDERAL COMMUNICATIONS COMMISSION  
COMMUNICATIONS SECTION

EX PARTE OR LATE FILED

The Honorable William Paxon  
Member, House of Representatives  
5500 Main Street  
Williamsville, New York 14221  
Attention: Brenda Ward, Executive Assistant

Dear Congressman Paxon:

This letter responds to your correspondence on behalf of Jeanne Penepent regarding charges on her telephone bill and relating to information services provided on 800 numbers. Your letter, as well as the complaint of your constituent, has been referred to the Enforcement Division of the Common Carrier Bureau for review. The Enforcement Division will communicate with your constituent upon completion of its review.

The Telephone Disclosure and Dispute Resolution Act (TDDRA) was enacted by Congress in 1992 and required both the Federal Communications Commission and the Federal Trade Commission (FTC) to adopt rules governing the provision of pay-per-call services. Under the TDDRA, the FCC has jurisdiction over the telecommunications carriers involved in the transmission and billing of the telephone calls, while the Federal Trade Commission has jurisdiction over the information service companies themselves.

The TDDRA generally required pay-per-call services to be provided on 900 telephone numbers and generally prohibited the provision of these services on 800 numbers, except in instances where the caller has entered into a presubscription agreement or comparable arrangement with the information service provider. Pursuant to the Commission's rules, which became effective on September 24, 1993, a presubscription agreement entails a formal contractual understanding whereby the consumer is provided clearly and conspicuously all terms and conditions associated with the use of the service and affirmatively agrees to abide by them.

The Commission has received numerous complaints similar to those described by your constituent. These complaints are processed by the Enforcement Division of the Common Carrier Bureau by serving a copy of the complaint upon the telecommunication carriers involved, who must generally respond in writing within 30 days. Beyond reviewing these

No. of Copies rec'd  
List A B C D E

The Honorable William Paxton  
Page 2

complaints and pursuing appropriate action to resolve them, the Commission has undertaken several efforts. First, Common Carrier Bureau staff has met with the carriers that provide the billing service for calls to 800 numbers as well as interexchange carriers who provide the 800 number transport to emphasize their obligations under the TDDRA and the rules of the Commission. Secondly, because the increase in the number of complaints has been so significant, we have started an investigation of these practices, with special focus on whether any companies have attempted to evade or violate our rules. Additionally, as part of the effort to make clear the carriers' responsibilities under the law, the Common Carrier Bureau has recently issued a ruling holding that the information provider's receipt of the originating telephone number, a practice that was serving as the premise of some charges, does not in itself constitute a presubscription agreement.

Moreover, on August 2, 1994, the Commission instituted a Notice of Proposed Rulemaking seeking to strengthen Commission rules to prevent abusive and unlawful practices under the TDDRA. Specifically, the Commission has sought public comment on a proposal to require that a presubscription agreement be established only with a legally competent individual and executed in writing, and that common carriers obtain evidence of the written agreement before issuing a telephone bill that contains charges for presubscribed information services. Under the proposed rules, these telephone bills could be addressed only to the individual who actually entered into the presubscription arrangement, not to the person or company whose telephone was used to place the call. The Commission has tentatively concluded that this and other proposed changes would significantly assist in eliminating the source of many consumer complaints. Enclosed is a summary of the Commission's action in this regard.

We appreciate receiving your correspondence. Please call upon us if we can provide any additional information.

Sincerely,



Kathleen M.H. Wallman  
Chief  
Common Carrier Bureau

Enclosure

TOLL FREE TELEPHONE NUMBER:  
1-(800) 453-8330

**DISTRICT OFFICES:**

5500 MAIN STREET  
WILLIAMSVILLE, NY 14221  
(716) 634-2324

10 EAST MAIN STREET  
VICTOR, NY 14564  
(716) 742-1600

**CAPITOL OFFICE:**

1314 LONGWORTH  
HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5285



**Congress of the United States**  
**House of Representatives**

**BILL PAXON**

27TH DISTRICT, NEW YORK

**SATELLITE OFFICES:**

(BY APPOINTMENT)

216 EAST MAIN STREET  
BATAVIA, NY 14020

131 MAIN STREET  
GENESEO, NY 14454

611 WEST WASHINGTON STREET  
GENEVA, NY 14456

10 LEACH ROAD  
LYONS, NY 14489

117 FALL STREET  
SENECA FALLS, NY 13148

36 NORTH MAIN STREET  
WARSAW, NY 14569

OLA  
cc-800  
cc-900  
4134

September 16, 1994

Ms. Lauren Belzin  
Acting Director, Office of Legislative Affairs  
Federal Communications Commission  
Room 808  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Ms. Belzin:

I have enclosed for your review and response correspondence I received recently from one of my constituents, Mrs. Jeanne Penepent of 7422 Beaver Meadows, Bergen, New York 14416.

She does not feel that consumers should be charged to use 1-800 telephone numbers. The reason for her feelings is contained in her letter to me of August 24, 1994.

Her problem seems to center around a Hungarian exchange student who stayed in her home in February of this year and who apparently used her telephone without permission. Your assistance in reviewing this situation and providing me with the proper information necessary to better respond to my constituent would be greatly appreciated.

I would ask that you consider this request within the rules and regulations governing the Federal Communications Commission.

Please ~~forward~~ ~~bring~~ ~~the~~ ~~attention~~ ~~of~~ ~~my~~ ~~Executive~~ ~~Assistant~~, Brenda Ward, at 5500 Main Street, Williamsville,

Sincerely,

BILL PAXON  
Representative

BP: bw

Jeanne Perreault  
7422 Beaver Meadows  
Berger, NY 14416  
August 24, 1994

Certified Mail P382 281 440

A. William Paxton  
~~55 Main St  
100 State St. Federal Bldg.  
Williamsville, NY 14221  
Rochester, NY 14614~~

Case  
BW

Dear Mr. Paxton,

I find it necessary to write you because I find a real need to change the Federal Communications Commission ruling to charge for 800 phone numbers. This is due to first hand experience of being an unprotected consumer. This is my story.

Our family hosted a Hungarian exchange student in February this year. He was a good kid, however, he got a hold of 800 toll date line numbers. He says he got them from the Buffalo News-Paper. When I received my May phone bill I couldn't believe what was on it. There were several 800 numbers with charges. I asked him what they were and he said he didn't know. Let me tell you I was extremely angry. So I called Info Access, the long distance carrier of

these numbers. I was on hold over 20 minutes trying to get through to an operator. This kid is also only 17 yrs. old and did not have permission to use the phone. At each time he made these calls, I had just left with my own kids taking them to soccer and softball practice. When I did reach the operator I asked her to tell me who these 800 #'s were to; what kind of calls they were. She told me she could not tell me; that it was against their policy and I would have to put my request in writing. I asked for the addresses of the companies involved. They also told me they would credit me half. When I have a questionable charge on my bill NYNEX will always tell me who the call was made to. Info Access nor NYNEX could tell me. I wrote letters to all companies involved. All these letters were returned to me undeliverable. Again I call Info Access and again I am on hold 30 minutes to get through to an operator. I tell them all letters are returned. They tell me to send the letters to them and they will forward

them to the companies. I also mail these letters again only for them to be returned. Info Access got the package. Nynex explain to me that these numbers cannot be blocked from my phone like the 900 #'s have been until after the damage is done! Where is my protection as the consumer and owner of the phone when a minor child makes these calls, lies about his age, does not have permission and does not fully understand what he has done? He thought he was going to get a real date from this. The laws need to be changed so that all 800 #'s remain toll free and there is no misunderstanding of the cost. And for such services maybe there needs to be some way to subscribe to such services with written authorization. A minor can not go into a store and buy alcohol. They must be proofed.

Enclosed are copies of all correspondence. I am serious about this; something must be done.

Also to date the FCC has not answered my complaint.

I would appreciate anything that you could do to make changes positively for this kind of situation. The unsuspecting consumer needs to be protected.

Sincerely,  
Jeanne M. Benepet



This portion of your bill is provided as a service to Info Access Incorporated. The bill is provided between NYNEX and Info Access Incorporated.

**Helpful numbers**

Billing inquiries call Info Access Incorporated 1-800-645-8830

**Summary of Info Access Incorporated charges**

Itemized calls

Federal Tax

**Itemized calls**

**Directly billed**

| No.                         | Date     | Place called  | Number called | Time     | Rate | Min | Amount |
|-----------------------------|----------|---------------|---------------|----------|------|-----|--------|
| Calling number 716-548-2437 |          |               |               |          |      |     |        |
| 1.                          | ✓ MAY 07 | COMMFONE P AM | 800 477-2888  | 9 48 AM  | DAY  |     | 1.85c  |
| 2.                          | ✓ MAY 07 | COMMFONE P AM | 800 204-9688  | 9 48 AM  | DAY  |     | 1.90c  |
| 3.                          | ✓ MAY 07 | TALKNET P AT  | 800 274-7835  | 10 02 AM | DAY  |     | 2.75c  |
| 4.                          | ✓ MAY 07 | DISCCALL P DI | 800 723-5472  | 10 51 AM | DAY  |     | 2.00c  |
| 5.                          | ✓ MAY 11 | COMMFONE P AM | 800 477-2888  | 5 18 PM  | EVE  |     | 1.85c  |
| 6.                          | ✓ MAY 11 | PERSNALS P GS | 800 876-9447  | 5 19 PM  | EVE  |     | 1.85c  |
| 7.                          | ✓ MAY 11 | PERSNALS P GS | 800 666-7548  | 5 31 PM  | EVE  |     | 1.90c  |
| Subtotal                    |          |               |               |          |      |     | 13.00c |
| Total                       |          |               |               |          |      |     | 13.00c |



Joseph P. ...  
1422 ...  
Bergen ...

10382 281 437 August 14, 1954

Wood Ave  
Buffalo, NY 14222

716-548-2437 865

Dear ...

I am writing in response to your letter threatening to ...  
my long distance ...  
paid by August 19, 1954.  
I assure you will find ...  
all complains I have ...  
response to my telephone ...  
You should also ...  
and light ...  
phone bill ...  
and on time. ...  
I will send the ...  
threatening letter ...  
all the result of ...  
your call number ...  
foreign exchange ...  
age of 18 ...  
the time ...  
charge ...  
of ...  
companies have ...  
did my but for ...

can take up to 15.

If you have any friends  
I may be reaching out to  
the day at 710-548-2437  
the evening at 710-548-2437.  
Mail.

Sincerely  
Jeanne M. Thompson

Enclosures

August 10, 1994

## Final Disconnection Notice

If you have any change, please bring it to the  
 attention of the company when paying this bill.

[illegible]

JOSEPH PENEPENT  
7422 BEAVER MEADOW RD  
BERGEN NY  
14416-9605

Amount Overdue \$265.95

Date **August 19, 1994**

August 10, 1994

Check return this section with your payment. Make check payable to NYNEX.  
 You must also bring this entire page with you. See your phone book for payment locations.

**\$ amount overdue \$265.95**

2. The first of these is the fact that the  
the first of these is the fact that the  
the first of these is the fact that the  
the first of these is the fact that the

**XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX**

**NYNEX  
P.O. BOX 1100  
ALBANY, N.Y.  
12250-0001**

Do not staple anything to this page.

[illegible]

Account Number

August 10, 1994

Page

**Please Disregard This Notice If Paid \*\*\***

at Customer

ymen of \$265.95 is required by 5:00 p.m. on August 19, 1994  
maintain FULL (Local and Long Distance) service. If payment is not  
served, the portion of your service will occur on the following business  
days termination of your incoming service twelve days later. Ten days  
later, we would have no choice but to cancel your account.

While service is suspended, you will continue to have access to emergency  
service until 9:11. Access to your local business office will also be  
maintained under our Continuous Emergency Access Plan.

Local service which allows you to dial local calls will NOT  
interfere with your BASIC local service charges. Your ability to  
make long distance calls, however, can be blocked if you do not pay the long  
distance charges on your bill. If blocked, these charges may be sent to a  
collection agency or legal action.

If service is interrupted or blocked, a \$36.00 charge to restore it  
may be required. A deposit or an additional deposit may be required.

If service is canceled, you will have to pay a new connection charge  
and a deposit to reestablish service.

You can avoid this inconvenience by paying promptly.

**EASE-NOTE** Partial payments, which do not exactly equal a past due total  
balance and are received within 14 days of your bill date will  
be applied entirely to past due balances prior to application  
to current charges.

You would like to designate a third party to receive copies of all notices  
at notification or termination, please let us know.

NYNEX

Account Number 1-890-5151

August 10, 1992

Page 2

Special procedures have also been established to protect the elderly, blind and disabled and those with a medical emergency from suspension or termination of telephone service.

**Deferred Payment Plan** - You may agree to make monthly payments toward past due bills for basic service and/or regional calls. You must pay any new charges in full each month.

**Medical Emergency** - If either you or a family member has a serious medical condition, we may be able to help you. If you file a medical certificate with us from your medical doctor or local board of health, we will continue your service for 30 days.

**Elderly, Blind or Disabled** - If you are 62 years of age or older, blind or disabled, and all those living with you are also (or not over 18 years old), we will make special arrangements to maintain your service.

If you feel you qualify, please contact your business office for further details.

We have complaint handling procedures to help you.

If you are calling from a touch-tone phone, you can make payment arrangements, report a payment, verify your last payment made or check the amount due by dialing our Account Information Line on 1-800-698-3545. To use the system you will need to provide the three digit number that follows your telephone number on the top of each NYNEX bill page. Or, you may call your service representative at 1-890-5151.

MSI  
1328 BROADWAY  
SUITE 1054  
NEW YORK, NY 10001

Dear Customer:

Thank you for your recent letter. We are writing to respond to your inquiry.

After a careful review of your inquiry and the attached telephone bill, we have decided to credit your account for the charges in question.

This credit will take six to eight weeks to appear on your telephone bill as a one-time adjustment offered in the interest of customer satisfaction.

We will also block your phone so that these services cannot be used. Please call 1-800-568-3197. For any other inquiries, please call the 1-800 customer service number which appears at the top of the billing page where collect charges appear.

Sincerely,

Customer Relations

Department

MSI  
1328 Broadway #1054  
New York, N.Y. 10001

NEW YORK NY 100 07/16/94 17:27 DCR-B #04

JEANNE M. PENEPENT  
7422 BEAVER MEADOWS  
BERGEN, N.Y. 14416



# Phone 110

980 Broadway • Suite #313 • Thornwood, N.Y. 10592

Dear Customer:

Thank you for your recent letter. We are writing to respond to your inquiry.

After a careful review of your inquiry and the attached telephone bill, we have decided to credit your account for the charges in question.

This credit will take 6 to 8 weeks to appear on your telephone bill. This is a goodwill adjustment offered in the interest of customer satisfaction.

To avoid blocking your phone so that these services cannot be used, please dial 1-800-568-2527 for any other inquiries, please dial the 1-800 customer service number which appears at the top of the billing page where toll-free numbers appear.

Yours Sincerely,

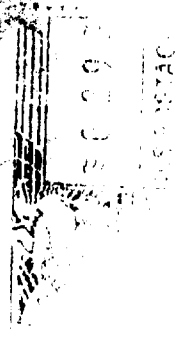
Customer Relations  
Department



**Phone I.D.**

980 Broadway - Suite #313  
Thornwood, N.Y. 10594

JEANNE M. PENEPEP  
7422 BEAVER MEADOWS  
BERGEN, NY 14416



302 281 438

Long Distance Phone Bill  
Onco Access  
716-548-2437

I am writing to you because now NYNEX is cutting my phone service. I can't pay the bill by Airtel because I have to pay the long distance access portion of my bill. I am 800 toll free. I am a 7-year old Hungarian who is not playing in my home. I have permission to make these calls. He also did not understand what he was doing and actually thought I was going to get a date! I am a very misleading person. I am a very beautiful person. This is a very beautiful person. I have never been in two companies with me.

I will credit my bill  
up to 8 weeks  
that I take that long to pay

Nothing must be done and  
the entire  
of my phone bill

Sincerely,  
George M. Roper

Enclosures

Joseph Berger  
7422 51st Avenue  
Bergen, N.Y.  
August 14, 1964

Dear Messrs  
Fidelity

Dear Sirs:

New York, N.Y. 10014

716-548-2437

Dear Sirs,

Because of the time  
I have been credit my  
FIDELITY is the  
I have been service.  
I have been say they  
I have been made. All  
I have been credit all  
I have been made by  
I have been exchange  
I have been thought he  
I have been get a date  
I have been numbers and  
I have been and you  
I have been Day for  
I have been for such  
I have been advantage  
I have been not of  
I have been have  
I have been phone and  
I have been understand  
I expect this

resolved at once to  
take the word out of  
circulation involved in  
the enclosed copies of  
the bills affected.

Sincerely,

James R. [unclear]

Enclosures

$$\begin{aligned} Z_{\text{eff}}(\mathbf{r}) &= \sum_{\mathbf{r}'} \left[ \frac{1}{2} \left( \frac{1}{|\mathbf{r} - \mathbf{r}'|} + \frac{1}{|\mathbf{r} + \mathbf{r}'|} \right) \right] \left[ \frac{1}{2} \left( \frac{1}{|\mathbf{r} - \mathbf{r}'|} + \frac{1}{|\mathbf{r} + \mathbf{r}'|} \right) \right] \\ &= \frac{1}{2} \left( \frac{1}{|\mathbf{r} - \mathbf{r}'|} + \frac{1}{|\mathbf{r} + \mathbf{r}'|} \right) \left[ \frac{1}{2} \left( \frac{1}{|\mathbf{r} - \mathbf{r}'|} + \frac{1}{|\mathbf{r} + \mathbf{r}'|} \right) \right] \\ &= \frac{1}{2} \left( \frac{1}{|\mathbf{r} - \mathbf{r}'|} + \frac{1}{|\mathbf{r} + \mathbf{r}'|} \right) \left[ \frac{1}{2} \left( \frac{1}{|\mathbf{r} - \mathbf{r}'|} + \frac{1}{|\mathbf{r} + \mathbf{r}'|} \right) \right] \end{aligned}$$

1990

01063  
01  
010925

**Related**

Sub Total

| Call from    | Called to      | Time     | Rate   | Type      | Min. | Amount |
|--------------|----------------|----------|--------|-----------|------|--------|
| 214-445-2437 | BAL DUE M AY   | 10 14 AM | PE     | Operator  | 3    | 28.150 |
| 214-445-2437 | 800-444-9387   |          | PERSON | Assist    |      |        |
| 214-445-2437 | COMM FONE P AM | 9 46 AM  | PE     | Operator  | 3    | 17.85  |
| 214-445-2437 | 800-477-2868   |          | PERSON | Assist    |      |        |
| 214-445-2437 | COMM FONE P AM | 9 49 AM  | PE     | Operator  | 2    | 11.00  |
| 214-445-2437 | 800-204-9688   |          | PERSON | Assist    |      |        |
| 214-445-2437 | TALKNET P AT   | 10 02 AM | PE     | Operator  | 5    | 29.75  |
| 214-445-2437 | 800-274-7635   |          | PERSON | Assist    |      |        |
| 214-445-2437 | DISCCALL P DI  | 10 51 AM | PE     | Operator  | 2    | 11.00  |
| 214-445-2437 | 800-723-5472   |          | PERSON | Assist    |      |        |
| 214-445-2437 | COMM FONE P AM | 5 16 PM  | PE     | Operator  | 3    | 17.85  |
| 214-445-2437 | 800-477-2868   |          | PERSON | Assist    |      |        |
| 214-445-2437 | PERSONALS P GS | 5 19 PM  | PE     | Operator  | 2    | 17.85  |
| 214-445-2437 | 800-876-9447   |          | PERSON | Assist    |      |        |
| 214-445-2437 | PERSONALS P GS | 5 31 PM  | PE     | Operator  | 2    | 17.85  |
| 214-445-2437 | 800-886-7546   |          | PERSON | Assist    |      |        |
|              |                |          |        | Sub Total |      |        |
|              |                |          |        | Total     |      |        |

## The Right Connection

770046

41101 000000

**Info Access Incorporated charges**

**Total**

115.62

On 09/19/84, calls (collect, third number and other operator assisted)

| TIME     | SALES FROM | Called to     | Time     | Rate   | Type      | Min. | Amount   |
|----------|------------|---------------|----------|--------|-----------|------|----------|
| 10:16 AM | NYRON NY   | NETWORK C LS  | 10 16 AM | PE     | Operator  | 3    | \$30.00  |
| 10:29 PM | NYRON NY   | 800 444-9387  |          | PERSON | Assist    |      |          |
| 6:29 PM  | NYRON NY   | AMERCALL P AD | 6 29 PM  | PE     | Operator  | 3    | 14.85    |
| 6:31 PM  | NYRON NY   | 800 877-3337  |          | PERSON | Assist    |      |          |
| 6:31 PM  | NYRON NY   | AMERCALL P AD | 6 31 PM  | PE     | Operator  | 3    | 14.85    |
| 6:35 PM  | NYRON NY   | 800 723-5472  |          | PERSON | Assist    |      |          |
| 6:35 PM  | NYRON NY   | COMMFONE P AM | 6 35 PM  | PE     | Operator  | 1    | 4.95     |
| 6:53 PM  | NYRON NY   | 800 285-8983  |          | PERSON | Assist    |      |          |
| 5:53 PM  | NYRON NY   | AMERCALL P AD | 5 53 PM  | PE     | Operator  | 3    | 17.55    |
| 5:57 PM  | NYRON NY   | 800 672-0992  |          | PERSON | Assist    |      |          |
| 5:57 PM  | NYRON NY   | COMMFONE P AM | 5 57 PM  | PE     | Operator  | 2    | 11.90    |
| 5:59 PM  | NYRON NY   | 800 385-2225  |          | PERSON | Assist    |      |          |
| 5:59 PM  | NYRON NY   | COMMFONE P AM | 5 59 PM  | PE     | Operator  | 2    | 11.90    |
| 6:02 PM  | NYRON NY   | 800 289-4739  |          | PERSON | Assist    |      |          |
| 6:02 PM  | NYRON NY   | AMERCALL P AD | 6 02 PM  | PE     | Operator  | 1    | 5.95     |
|          | NYRON NY   | 800 723-5472  |          | PERSON | Assist    |      |          |
|          |            |               |          |        | Sub Total |      | 112.25   |
|          |            |               |          |        | Total     |      | \$112.25 |

## THE UNIVERSITY OF CHICAGO LIBRARY

800 568-3197  
Sandra

151  
228 Teaneck NJ  
Teaneck NJ 07664

TLT

Box 9 Locust  
PA 1 PA 1970  
America  
3149 A Ranch  
Box 665 NW 891

June 2, 1994

Mr. [unclear]  
[unclear]  
[unclear]

10016

Since I had last spoke to one of your  
representatives on May 25 + 26, 1994, I have  
received another phone bill. When I called  
the young lady I asked for the charges on my  
bill. She told me my new bill was for  
\$109 in charges! I feel your  
company has misled me in not telling  
me that a 1 year old makes these charges  
second your representatives have not  
returned and I am still paying  
financial charges.

I am refusing to pay any of these  
charges as I am taking action as a  
consumer.

Sincerely,  
Jeannette [unclear]

716-240-2400



July 1971

28

10

1142 250-0001

116-548-2437 865 260

116-548-2437

Because I am disputing the info  
on portion of my phone bill I  
must dispute any portion of my  
bill that applied to Info Service at  
the time.

Sincerely,

Jeanne M. Ruppert

7422 Belmont Road

Bergen, N.J. 07612